

**McANDREWS, HELD & MALLOY, LTD.**

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**FACSIMILE COVER SHEET**

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TO: Office of Initial Processing

FROM: Kirk Vander Leest

DATE: May 20, 2004

CLIENT: 8263/0224/13256US03

FACSIMILE NO.: (703) 872-9306

NUMBER OF PAGES (Including Cover Page):

11

MESSAGE:

Re: Serial No. 10/054,643

Filed: January 22, 2002

Title: Cover Assembly For An In-Floor Fitting

THE ENCLOSED MATERIAL IS INTENDED FOR THE RECIPIENT NAMED BELOW AND, UNLESS OTHERWISE EXPRESSLY INDICATED, IS CONFIDENTIAL AND PRIVILEGED INFORMATION. ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THE ENCLOSED MATERIALS IS PROHIBITED. IF YOU RECEIVE THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AT OUR EXPENSE AND DESTROY THE ENCLOSED MATERIALS. YOUR COOPERATION IS APPRECIATED

Attorney Docket No. 13256US03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION OF:

Cole et al.

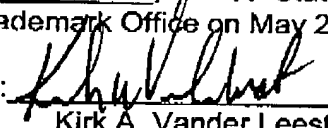
SERIAL NO.: 10/054,643

FILED: 1/22/2002

FOR: COVER ASSEMBLY FOR AN IN-  
FLOOR FITTING

**CERTIFICATION OF FACSIMILE  
TRANSMISSION**

I hereby certify that the following  
papers are being transmitted via  
facsimile to Office of Initial Processing at  
703/872-9306, United States Patent and  
Trademark Office on May 20, 2004.

By:   
Kirk A. Vander Leest  
Reg. No. 34,036

**REQUEST FOR INITIALED PTO-1449 FORM**

Office of Initial Processing  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sirs:

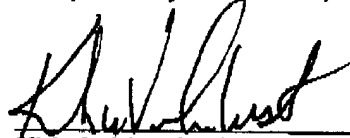
On March 15, 2002, Applicants mailed an Information Disclosure Statement (the "March 15, 2002 IDS"). Applicants' records indicate that the Examiner has not returned an initialed copy of the PTO-1449 form to the Applicants. A copy of the March 15, 2002 IDS and its accompanying PTO-1449 form are attached. Also enclosed are copies of the Express Mail receipt and the return receipt postcard. The postcard bears a date stamp indicating that the IDS was received by the PTO on March 15, 2002. Applicants request that the Examiner return an initialed copy of the PTO-1449 Form to confirm that the references listed thereon have been considered.

Serial No. 10/054,643  
May 20, 2004  
Page 2 of 2

**Fee Payment and Authorization**

No fee is believed to be due in connection with this submission. Please charge any fees due in connection with this submission to Deposit Account No. 13-0017.

Respectfully submitted,



Kirk A. Vander Leest  
Reg. No. 34,036  
Attorney for Applicant

Date: May 20, 2004

McAndrews, Held & Malloy, Ltd.  
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Chicago, Illinois 60661  
Telephone: (312) 775-8000  
Facsimile: (312) 775-8100

**PATENT**  
**Attorney Docket No. 13256US03**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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MAY 20 2004

OFFICIAL

In the Application of:

Cole et al.

Serial No. 10/054,643

Filed: January 22, 2002

For: COVER ASSEMBLY FOR AN IN-  
FLOOR FITTING

EXPRESS MAIL NO: EL649154264US

DATE: March 15, 2002

**INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sirs:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form PTO-1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form PTO-1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art

to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- X   (a) within three months of the filing date of the patent application, (b) within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 of the international application, or (c) before the mailing date of a first Office Action on the merits.
- after (a), (b), or (c) above, but before the mailing date of a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, and includes:
- the Certification under 37 C.F.R. § 1.97(e) (see "Certification" below).
- the fee of \$            set forth in 37 C.F.R. § 1.17(p) (see "Fees" below).
- after the mailing date of a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, and includes the Certification under 37 C.F.R. § 1.97(e) (see "Certification" below), a Petition requesting consideration of the Information Disclosure Statement (see "Petition" below), and the Petition Fee set forth in 37 C.F.R. § 1.17(i) (see "Fees" below).

#### Copies Of The References

- X   Copies of the references listed on the enclosed Form PTO-1449 are enclosed herewith.
- A copy of the foreign search report is enclosed herewith.

The references listed on the enclosed Form PTO-1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at the time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 C.F.R. § 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 U.S.C. § 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status (check one)		
U.S. Applications	U.S. Filing Date	Patented	Pending	Allowed

#### Other Applications

X The Examiner's attention is directed to the following U.S. patent application(s):

U.S. APPLICATIONS		Status (check one)		
U.S. Applications	U.S. Filing Date	Patented	Pending	Abandoned
09/946,884	9/5/2001		X	
10/054,641	1/22/2002		X	
10/054,298	1/22/2002		X	
09/978,731	10/15/2001		X	

#### Certification

The undersigned attorney hereby certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.

The undersigned attorney hereby certifies that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent

application or, to the knowledge of the attorney signing after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Petition**

\_\_\_\_\_ The undersigned attorney hereby petitions the Commissioner to consider this Information Disclosure Statement and the references listed on the enclosed form PTO-1449 in the examination of the above-identified patent application.

**Fees**

  X   No fee is owed by the applicant(s).

\_\_\_\_\_ The IDS Fee of \$ \_\_\_\_\_ under 37 C.F.R. § 1.17(p) is enclosed herewith.

\_\_\_\_\_ The Petition Fee of \$ \_\_\_\_\_ set forth in 37 C.F.R. § 1.17(i) is enclosed herewith.

**Method Of Payment of Fees**

\_\_\_\_\_ Attached is a check in the amount of \$ \_\_\_\_\_.

\_\_\_\_\_ Charge Deposit Account No. 13-0017 in the amount of \$ \_\_\_\_\_  
(A duplicate copy of this communication is enclosed for that purpose).

**Authorization to Charge Additional Fees**

\_\_\_\_\_ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 13-0017. (A duplicate copy of this communication is enclosed for that purpose).

**Instructions As To Overpayment**

\_\_\_\_\_ Credit Account No. 13-0017.

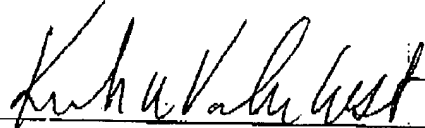
\_\_\_\_\_ Refund

FROM McANDREWS, HELD, & MALLOY

(THU) 5. 20' 04 13:38/ST. 13:35/NO. 4861050867 P 8

Respectfully submitted,

Date: March 15, 2002

  
Kirk A. Vander Leest  
Reg. No. 34,036



Form PTO-1449 (Rev. 8-83)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE				ATTORNEY DOCKET NO.  13256US03	SERIAL NO.  10/054,643
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)						APPLICANT:  Cole et al.	
						FILING DATE  1/22/02	GROUP ART UNIT:
						U.S. PATENT DOCUMENTS	
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIAT E
	1.	2,672,749	03/23/54	Wiesmann			
	2.	3,646,244	02/29/72	Cole			
	3.	3,666,134	05/30/72	Rauch			
	4.	3,830,954	18/20/74	Caudill			
	5.	4,027,097	05/31/77	Gillemot			
	6.	4,058,358	11/15/77	Carlisle			
	7.	4,109,095	08/22/78	Kling et al.			
	8.	4,197,959	04/15/80	Kramer			
	9.	4,228,317	10/14/80	Cziment			
	10.	4,289,921	09/15/81	Gartner et al.			
	11.	4,342,493	08/03/82	Grenell			
	12.	4,343,411	08/10/82	Chesnut et al.			
	13.	4,458,460	07/10/84	Kohaut			
	14.	4,541,538	09/17/85	Swetnam			
	15.	4,640,564	02/03/87	Hill			
	16.	4,711,634	12/08/87	Antone, II et al.			
	17.	4,733,017	03/22/88	Wolfe-Taylor et al.			
	18.	4,770,643	09/13/88	Castellani et al.			
	19.	4,774,384	09/27/88	Gregory			
	20.	4,793,818	12/27/88	Poirier			
	21.	4,810,833	03/07/89	Meyers			
	22.	4,857,004	08/15/89	Poirier			
	23.	4,874,906	10/17/89	Shotey			

	24.	4,883,924	11/28/89	Hadfield			
	25.	4,952,754	08/28/90	Rye			
	26.	4,952,756	08/28/90	Meyers			
	27.	5,017,153	05/21/91	Bowman			
	28.	5,030,795	07/09/91	Domigan			
	29.	5,032,690	07/16/91	Bloom			
	30.	5,041,698	08/20/91	Takagi et al.			
	31.	5,107,075	04/21/92	Currier, Jr.			
	32.	5,148,348	09/15/92	White			
	33.	5,240,426	08/31/93	Barla			
	34.	5,272,278	12/21/93	Wuertz			
	35.	5,288,945	02/22/94	Bruce			
	36.	5,306,178	04/26/94	Huang			
	37.	5,563,373	10/08/96	Doroslovac			
	38.	5,571,023	11/05/96	Anthony			
	39.	5,588,853	12/31/96	Anthony			
	40.	5,727,958	03/17/98	Chen			
	41.	5,743,752	04/28/98	Massebeuf			
	42.	5,866,845	02/02/99	Markiewicz et al.			
	43.	5,998,735	12/07/99	Patterson, Jr.			
	44.	6,018,126	01/25/00	Castellani et al.			
	45.	6,114,623	09/05/00	Bonilla et al.			
	46.	6,132,227	10/17/00	Boteler et al.			
	47.	6,175,078	01/16/01	Bambardekar et al.			
	48.	6,179,634	01/30/01	Hull et al.			
	49.	6,285,662B1	07/24/01	Rledy et al.			

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	50.	JP 405304713A	11/93					

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER	DATE CONSIDERED
<p>*EXAMINER: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	

FROM McANDREWS, HELD, &amp; MALLOY

(THU) 5.20'04 13:39/ST. 13:35/NO. 4861050867 P 11

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McANDREWS, HELD & MALLOY, LTD  
500 N. MADISON ST STE 3400  
CHICAGO IL 60641-2506

**TO: (PLEASE PRINT)**

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**ASSISTANT COMMISSIONER FOR PATENTS**

Sir: Please place the USPTO receipt stamp hereon and  
place in outgoing mail to acknowledge receipt of:

Docket No: 13256 US02

Applicant: Cole et al.

Serial No.: 101054613

Filed: 1-22-02

Transmittal

Fee \$

Patent Application including:

Page(s) Cover Sheet

Page(s) Specification

Page(s) Claims

Page(s) Abstract

Page(s) Drawings

Formal ☐ Informal ☐

Response to Notice of Missing Parts

Declaration & POA Signed ☐ Unsigned ☐

Amendment Page(s)

Assignment Page(s) Cover Sheet Page(s)

X IDS with PTO-1449 Page(s)

50 Cited References

Other

Certificate of Mailing as dated below

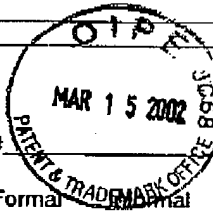
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Dated: 3-15-02

Respectfully: McANDREWS, HELD &amp; MALLOY, LTD.

Attorneys for Applicant



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